

MONTANA VISIBILITY PROTECTION PLAN

January 17, 2006 Stakeholder Meeting #3 Notes

<u>Department Staff:</u>	<u>Stakeholder in Person:</u>	<u>Stakeholders on Phone:</u>
Bob Habeck	Anne Hedges – MEIC	Steve Wright – CFAC
Bob Jeffrey	Bernie Gieser - ExxonMobil	Amy Perius – Kennecott Energy
Crya Cain	Don Quander – Holland & Hart	
Deb Wolfe	Don Allen - WETA	
John Coefield	Hal Robbins – Bison Eng.	
Jim Carlin	Jeff Briggs – Smurfit-Stone	
	Mark Lambrecht – PPL	
	Joe Scheeler – Ash Grove	

WELCOME AND INTRODUCTIONS

Staff for the Montana Department of Environmental Quality (Department) reviewed the meeting agenda. The Department staff mentioned the location of the visibility rule and associated documents at this EPA website:

<http://www.epa.gov/oar/visibility/actions.html#1999rule>

Department staff stressed the concept that Stakeholder meetings are open work sessions to allow participants to ask questions, propose revisions, and submit material. Department staff also offered one-on-one assistance to any stakeholder requesting additional information.

BEST AVAILABLE RETROFIT TECHNOLOGY (BART)

Department staff presented the draft Montana BART process flowchart and proposed BART rule. These two documents are posted on the Department's website at: <http://www.deq.mt.gov/AirQuality/AQinfo.asp>

STAKEHOLDER QUESTIONS FOR BART PRESENTATION

Deb Wolfe: Reviewed changes to BART rule since meeting #2.

(1) Added a definition for “secondary emissions”. This definition is critical for the determination of “potential to emit” (PTE). Secondary emissions are excluded in

calculating PTE and differ from “fugitive” emissions which are included when calculating PTE.

(2) The period of time representing a data set for actual PM-10 emissions was clarified in the exemption provision.

(3) The Department added language that allows for extended information submission in the event a source submission is determined to be incomplete or inaccurate.

The group briefly discussed the difference between secondary emissions and fugitive emissions. Julie Merkel explained that secondary emissions are those emissions that occur at the site, but do not come from the source. For example, secondary emissions include vehicle exhaust from service trucks entering / exiting the facility.

Don Quander: What about emissions from agriculture machinery?

Deb Wolfe: Agricultural operations are not part of the major source category list, therefore are excluded.

Bernie Gieser: The 90-day response time for submitting a BART proposal is overly expeditious for BART-subject sources. Exxon-Mobile needs at least 180 days in order to include in annual business plans anticipated capital expenditures associated with installing control equipment.

Anne Hedges: 180 days is to submit what? We want the process to move steady. What is submitted? A final BART plan or a proposed BART plan?

Juile Merkel: The submission would be a proposal for BART. The Department may consider and approve or modify the proposal after opening the same for public comment.

Anne Hedges: What happens if the Department does not approve the BART determination? The Department needs to think about the reciprocation and time between sources and the Department. Does the rule address the process?

Debra Wolfe: An affected party may appeal any perceived deficiency in a final BART determination to the Board of Environmental Review. The Department will review the BART rule language to determine whether additional process requirements would improve the quality of a BART proposal.

Mark Lambrecht: What are other states proposing as BART rules?

Bob Jeffrey: No other state has hosted as many meetings as Montana. The questions / answers involving this rule are on the leading edge. Colorado is currently scheduled to resume its rulemaking process in March.

Don Allen: Thank you to the Department for extending the comment period to initiate rulemaking until July 2006.

Amy Perius: Kennecott Energy is participating in the Colorado BART rule process and will submit comments as part of that process.

Joe Scheeler: BART proposals seem to be characterized as either 'good' or 'bad.' Each proposal has to address rule criteria during the process of modeling deciview impact. Isn't that the process? Will the BART proposal be determined through modeling?

John Coefield: Modeling will determine the impact of a BART proposal. Any BART proposal and the relative impact of the proposal will be a product of the six factors set out in the definition of BART in the proposed rules. BART is established on a case-by-case basis taking into consideration:

- (1) the technology available;
- (2) the costs of compliance;
- (3) the energy and non-air impacts;
- (4) any pollution control equipment currently in use;
- (5) the remaining useful life of the source; and
- (6) the degree of improvement in visibility (as demonstrated by modeling).

Jeff Briggs: How is BART determined? Isn't there a dollar per deciview determination?

Cyra Cain: WRAP will have a BART clearinghouse for sources to consult and some training for what is BART. What is considered BART will likely evolve over time.

Anne Hedges: The timeline for BART-subject sources to submit their proposed BART determination should be 120 days with an additional 60 days for consultation. Aren't sources already looking at what BART is?

Bob Jeffrey: A BART determination is different from when a source is BART subject. Not all sources know what their status is now. The universe of BART subject sources is undetermined.

Bob Habeck: How complicated is a BART determination in a source's estimation?

Hal Robbins: BART analysis is not too different from a BACT analysis. The new process focuses on the visibility modeling.

Mark Lambrecht: PPL-Montana supports the 180 day timeline for BART-subject sources to submit proposed BART plans. Sources need the time to administer budget processes and time to obtain and test technology.

Joe Scheeler: Ash Grove also supports the 180 day submission provision.

Don Allen: WETA supports a 180 day submission time plus a 60 day review period.

Hal Robbins: Any particular date for using the exemption in New Rule III(1)? What data is necessary to determine an exemption?

Debra Wolfe: The Department will require actual PM-emissions data that represents optimal operating capacity, at least as recently as 2000-2003. The Department can clarify the proposed BART rule to include specific dates or introduce the concept of “representative data”.

Anne Hedges: Why is the Department proposing to use actual emissions instead of allowable emissions in the modeling? Why not use allowable emissions that would reflect what is possible from a source?

Deb Wolfe: Fact-based analysis excludes speculation. While we use allowable emissions as an eligibility criterion to determine an initial group of sources that may reasonably be anticipated to cause or contribute to visibility impairment, the statute clearly intends “cause or contribute” to be predicated ultimately on a fact-specific demonstration. Sources shown to “cause or contribute” to visibility impairment as a result of the analysis of actual performance are subject to BART.

Don Allen: WETA disagrees with using allowable emissions to perform visibility BART modeling. WETA supports using actual emissions for the BART modeling determination as proposed.

Joe Scheeler: Some companies will perform their own CALPUFF modeling. What happens if/when source modeling and Department modeling results differ?

John Coefield: The CALPUFF modeling protocol will be the same for everyone. If a source finds an error in the Department’s modeling results, the Department will accept all reasonable arguments.

VISIBILITY BASICS

John Coefield provided the group with a basic view of regional haze visibility. His presentation can be found on the Department’s website:

<http://www.deq.mt.gov/AirQuality/Visibility.asp>

REASONABLE FURTHER PROGRESS

Bob Jeffrey presented a powerpoint show addressing EPA's draft guidance for 'Reasonable Further Progress.' Bob's presentation can be found on the Department's website at:

<http://www.deq.mt.gov/AirQuality/Visibility.asp>

NEXT STEPS

- Draft MT DEQ CALPUFF Model Protocol out by February
- Revised DEQ Draft BART Rule #3 out by 2/7/06
- Stakeholder #4 Meeting – 2/14/06
- BART rulemaking process initiation by 7/21/06
- Visibility Website update / Contact information
 - Federal Regional Haze Rule
 - WRAP Committees and Forums
 - Reasonable Further Progress Goals
- Additional Interested Parties as Stakeholders

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